

**In the Court of the Additional Sessions Judge,
Fast Track Court – I, Krishnagar, Nadia**

Present : Sri Debdeep Manna

J.O. Code No. WB00892

Fast Track Court -I,

Nadia at Krishnagar

S.C. No. 515(9)2023

S.T. No. VI(9)24

R. No. 515/2023

CNR No. WBND01-004541-2023

Order No. 04 dt. 24.07.2025

The accused Rabindranath Sarkar and Sribas Sarkar @ Naren Sarkar on court bail are present.

Today is fixed for examination of accused persons u/s 313 of Cr.P.C.

Owing to lack of any incriminating material against the accused persons, the examination of accused u/s 313 of Cr.P.C. is dispensed with. However, the accused persons are examined in terms of section 232 of Cr.P.C.

I have heard both the prosecution and the defence.

The record is now taken up for passing of order.

The facts of the case in brief is that the written complaint was lodged by one Sandhya Mondal at Krishnagar Court on 23.06.2022 stating interalia that on 26.04.2020 at about 12:30 a.m. when she came out from her room she saw accused Rabindra Sarkar entering her house in order to kill her including her family members. The accused set fire on the straw stack. As a result her room and other household articles were burnt. Thereafter, the accused persons threatened the de-facto complainant and other family members with dire consequences. Ultimately on 22.05.2022 at about 11 a.m. the accused persons assaulted the de-facto complainant and outraged her modesty on the road in front of her house. Finding no other alternative the de-facto complainant lodged the complaint at Krishnagar Court.

After receiving the written complaint, Kotwali P.S. started Kotwali P.S. Case No. 629/22 dt. 23.06.2022 u/s 447/436/323/354/34 of

I.P.C. and after completion of investigation, Charge-sheet being No. 1231/22 dt. 30.11.2022 u/s 447/436/323/354/34 of I.P.C. was submitted against the accused persons.

The case being exclusively triable by a court of sessions was committed to the Court of Ld. Sessions Judge, Nadia by the then Ld. C.J.M. Nadia and thereafter the record was transferred to this court for disposal.

Charge was framed by this court u/s 448/436/323/34 of I.P.C. Contents of the charge was read over and explained to the accused persons to which they pleaded 'not guilty' and claimed to be tried. Hence, the trial.

During trial, one out of nine of the charge-sheeted witnesses, the de-facto complainant was examined as P.W. 1.

The point for consideration is whether the prosecution has been able to prove its charges beyond all reasonable doubt?

It is now to be seen as to how far has the prosecution been successful in proving its case. The discussion undertaken hereinafter will lead us to the conclusion of this case.

In the factual backdrop of this case, the most significant witness is the de-facto complainant herself. She deposed as P.W. 1.

It is clear from the examination in chief of P.W. 1 that she had lodged the complaint against the accused persons. She admitted in her cross-examination that she does not know the contents of written complaint.

Not a single evidence has come forth before this court in aid of the prosecution case regarding any sort of mischief being committed upon P.W. 1 by the accused persons.

It is apparent from the evidence on record, particularly that of P.W. 1 that after lodging of the complaint she has come to know that the accused persons had not committed any mischief. In all probabilities the case was filed at the spur of the moment without proper deliberation.

In keeping with the trend of the oral testimony there remains no doubt regarding the fate of this case and accordingly, the accused persons in this case deserves to be acquitted in terms of section 232 of Cr.P.C.

Hence, it is

O R D E R E D

that the accused persons namely Rabindranath Sarkar and Sribas Sarkar @ Naren Sarkar are hereby acquitted in terms of section 232 of Cr.P.C. from the charge of commission of offence u/s 448/436/323/34 of I.P.C.

Seized alat, if any, be disposed of in accordance with law after expiry of the period of appeal.

The accused persons be discharged from his bail bond(s), if any; and be set at liberty forthwith but the accused persons shall remain on **fresh** bail bond of Rs.1,000/- with one surety for six months from this day as per the provisions of Section – 437A and which bail bond shall be accepted subjected to the satisfaction of the Ld. CJM Nadia of Cr.P.C with direction to appear before the Higher Court as and when such Court issues notice in respect of any appeal or petition filed against the Judgment and if, he fails to appear the bonds shall stand forfeited u/s. 446 of Cr.P.C.

Dictated & Corrected by me.

Additional Sessions Judge,
F.T.C. I, Krishnagar, Nadia.
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